

FEB 08 2013

JULIA C. CLEARY, CLERK  
BY:   
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

In accordance with the accompanying memorandum opinion, it is now

## ORDERED

as follows:

1. The magistrate judge's report and recommendation is **ADOPTED IN PART**;
2. The government's motion to dismiss is **GRANTED**;
3. The defendant's motion to vacate, set aside, or correct sentence under 28 U.S.C § 2255 is **DISMISSED**;
4. The defendant's motion for reconsideration is **DENIED**;
4. All other pending motions are **DISMISSED** as moot; and
5. This matter shall be **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff and all counsel of record.

ENTER: This 8<sup>th</sup> day of February, 2013.

from Conrad

**Chief United States District Judge**